IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

LA.App..No. 111 of 2005(C)

LAR.24/1993 of ADDL.SUB COURT, KOLLAM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER S.DILEEP

RESPONDENTS: CLAIMANTS/RESPONDENT

1. DHAMODARAN POTTY, PAVITHRAMANGALATHU MADOM, MANAPPALLY NORTH, PAVUMBA. (DIED)**

2. ADDL. SUBADRADEVI, PAVHITHRAMANGALATHU MADOM, MANAPPALY NORTH, PAVUMBA. (DIED)**

3. ADDITIONAL: REKHA DEVI, }* PAVITHRAMANGALATHU MADOM,} MANAPPALLY NORTH, PAVUMBA. }

4. ADDITIONAL: SANTHOSH, PAVITHRAMANGALATHU MADOM, MANAPPALLY NORTH, PAVUMBA.

*NAME AND HOUSE NAME OF THE ADDITIONAL 3RD RESPONDENT, WHO IS ALREADY IN THE PARTY ARRAY, IS CORRECTED AS FOLLOWS, VIDE ORDER DATED 21.7.2006 IN I.A. NO. 3967/2005.

ADDL. R3, LEKHA DEVI
MAMPAZHA MADOM, MANAPPALLY NORTH, PAVUMBA

** IT IS RECORDED THAT THE FIRST RESPONDENT IS DIED AND ALSO THAT THE ADDL. RESPONDENTS 3 AND 4 WHO ARE ALREADY IN THE PARTY ARRAY ARE THE LEGAL HEIRS OF THE DECESASED 2ND RESPONDENT, VIDE ORDER DATED 21.7.2006 IN I.A.NO.3966/05.

BY ADV. SRI.S.V.BALAKRISHNA IYER for R3 AND R4
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR
ADDL.ADVOCATE GENERAL

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T.SANKARAN, J

L.A.A. No. 111 of 2005

Dated this the 2nd day of January, 2007

JUDGMENT

An extent of 1.33 ares of land belonging to the respondents was acquired for the formation of Kallada Irrigation Project. Notification under Section 4(1) of the Land Acquisition Act was published on 12.1.1989. The Land Acquisition Officer awarded the land value at the rate of Rs.1,738/- per are. Dissatisfied with the award, an application for reference was made by the respondents. The reference court relying on Ext. A1 judgment, enhanced the land value at Rs.8,262/- per are. The reference court held that the property involved in Ext. A1 and the property acquired in this case are similar and similarly situated. In ground 'E' of the Memorandum of Appeal, it is stated that LAA No.1324 of 2000 challenging Ext.A1 judgment was pending. LAA No.1324 of 2000 was subsequently dismissed by the judgment dated 29.7.05. In view of the dismissal of LAA No.1324 of 2000, it cannot be said that the reference court was not justified in enhancing the land value at the rate as in Ext. A1

judgment.

The land acquisition appeal is liable to be dismissed and it is accordingly dismissed, however without any order as to costs.

K.T.SANKARAN,
JUDGE

csl